

No. 10614-4Lab-72/38362.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Raj Woollen Industries, Panipat.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 99 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S RAJ WOOLLEN INDUSTRIES,
PANIPAT

Present:—

Shri Raghbir Singh, for the workmen.

Shri Roshan Lal Gupta and Shri Surinder Kaushal, for the management.

AWARD

The workmen of M/s Raj Woollen Industries, G.T. Road, Panipat, raised a demand for introduction of gratuity scheme which was not accepted by the management. This gave rise to an industrial dispute which was referred for adjudication to this Tribunal by the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947,—*vide* order No. ID/KNL/11-A-71/32489-93, dated 5th November, 1971, with the following term of reference:—

Whether the gratuity scheme should be introduced in the factory? If so, with what details and from which date?

Usual notices were given to the parties and they have put in their respective written statements, the demand for gratuity having been still contested on behalf of the management.

It is, however, not necessary to go into the merits of the case as in view of the coming Central enactment on gratuity, the right of workmen with regard to this benefit has in a way been conceded on behalf of the management.

I, therefore, hold the issue the subject-matter of the reference in favour of the workmen and direct the management to introduce the gratuity scheme, as per details given below:—

1. Gratuity shall be payable to each workman on the termination of his employment after he has rendered continuous service for not less than 5 years.

(a) on his superannuation, or

(b) on his retirement or resignation, or

(c) on his death or disablement due to accident or disease :

Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any workman is due to death or disablement :

Provided further that in the case death of the workman gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs.

2. For every completed year of service or part thereof in excess of six months, gratuity to a workman shall be paid at the rate of 15 days' wages based on the rate of wages last drawn by him.

3. Wages shall mean consolidated wages including dearness allowance only and no other allowance such as house-rent allowance, overtime allowance, bonus or any other special allowance shall be taken into account for the purposes of computing the gratuity amount.

4. The amount of gratuity payable to a workman shall not exceed 20 months' wages.

5. For the purposes of computing the gratuity payable to a workman who is employed, after his disablement, on reduced wages, his wages for the period preceding his disablement shall be taken to be the wages received by him during that period, and his wages for the period subsequent to his disablement shall be taken to be the wages as so reduced.

6. (a) The gratuity of a workman, whose services have been terminated for any act, wilful omission or negligence causing any damage or loss to, or destruction of property belonging to the employer, shall be forfeited to the extent of the damage or loss so caused.

(b) The gratuity payable to a workman shall be wholly forfeited :—

- (i) If the services of such a workman have been terminated for his riotous or disorderly conduct or any other act of violence on his part or
- (ii) If the services of such workmen have been terminated for any act which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment.

The above scheme of gratuity shall be given effect to by the management from the date of the present reference i. e. 5th November, 1971. The award is made accordingly but with no order as to costs.

Dated 8th September, 1972.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 998, dated the 14th September, 1972

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th September, 1972.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10612-4Lab-72/38366.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Vikas Agro Engineering (P) Ltd. Bahadurgarh

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 35 of 1972

between

Shri Jagdish Chander and the management of M/s Vikas Agro Engineering (P) Ltd., Bahadurgarh

Present :—

Shri Rajinder Singh for the applicant.
Nemo for the management.

AWARD

Shri Jagdish Chander concerned workman was working as a fitter with M/s Vikas Agro Engineering (P) Ltd., Bahadurgarh. The management terminated his services with effect from 5th August, 1971. He raised a demand for reinstatement, but without any satisfactory response from the management. This gave rise to an industrial dispute which was referred for adjudication to this court by the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947,—vide No. ID/RK/176-A-71/1593, dated 20th January, 1972, with the following term of reference :—

Whether the termination of service of Shri Jagdish Chander was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, usual notices were given to the parties. None has appeared on behalf of the management in spite of due service. Statement of Shri Jagdish Chander concerned workman has been recorded. According to him he had been in the service of the management as a fitter from 7th June, 1971 and he had suffered an electric shock while on duty on 25th July, 1971 and the management had got him admitted in the Hospital for treatment from where he was discharged on 4th August, 1971. He reported for duty on 5th August, 1971 and produced the fitness certificate issued by the Medical Officer who had treated him. The management, however, did not allow him to join his duty and continued putting him off for a number of days and eventually told him that his name had been struck off the rolls. He made a complaint to the Labour Inspector, Rohtak,—vide copy Exhibit W. 1 but not action was taken on that complaint. He then served the management with the demand notice Exhibit W. 2 where upon conciliation proceedings were initiated which ended in failure and hence the present reference.

From the statement on oath of Shri Jagdish Chander concerned workman, I am satisfied that the management terminated his services without giving him any chargesheet what to speak of holding any domestic inquiry against him and as such the order of the termination of his services can not be held to be justified and in order. There is apparently no reason to disbelieve his above version especially when the management has not cared to come forward and contest his claim in spite of proper service. He has all along been out of employment and could not get any other job inspite of efforts. The matter in issue is, therefore, held in his favour and he is entitled to re-instatement with continuity of his previous service and full back wages. The award is accordingly made and Shri Jagdish Chander concerned workman is also entitled to Rs 50 as costs of the present proceedings.

Dated the 12th September, 1972.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2069, dated 18th September, 1972

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

S. N. BHANOT,

Commissioner for Labour & Employment
and Secretary to Government, Haryana.